

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SOUTHERN NEVADA TBA SUPPLY  
COMPANY,

Plaintiff(s),

vs.

UNIVERSAL UNDERWRITERS INSURANCE  
COMPANY,

Defendant(s).

Case No. 2:15-cv-00046-GMN-NJK

ORDER DENYING DISCOVERY  
PLAN

(Docket No. 19)

Pending before the Court is the parties' proposed discovery plan, which includes a *de facto* stay of discovery through May 29, 2015, in light of the pending motion to dismiss. *See* Docket No. 19 at 2. "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially case-dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the motion and is convinced that the plaintiff will be unable to state a claim for relief. *See, e.g., Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). The pending discovery plan fails to address these standards. Accordingly, it is hereby **DENIED**.

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1 The parties must file, no later than April 3, 2015, either a request to stay discovery addressing  
2 the relevant standards or an amended discovery plan that omits any stay of discovery.

3 IT IS SO ORDERED.

4 DATED: March 30, 2015

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6 NANCY J. KOPPE  
United States Magistrate Judge